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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 67756-71350	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/SE 2003/000587	International filing date (day/month/year) 11-04-2003	Priority date (day/month/year) 18-04-2002
International Patent Classification (IPC) or national classification and IPC H04L 12/56		
Applicant Terraplay Systems AB et al		

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 4 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:
 - ☒ (sent to the applicant and to the International Bureau) a total of 3 sheets, as follows:
 - ☒ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

- This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

Date of submission of the demand 30-10-2003	Date of completion of this report 14-05-2004
Name and mailing address of the IPEA/SE Patent- och registreringsverket Box 5055 S-102 42 STOCKHOLM Facsimile No. +46 8 667 72 88	Authorized officer Ralf Boström /LR Telephone No. +46 8 782 25 00

Form PCT/IPEA/409 (cover sheet) (January 2004)

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/SE 2003/000587

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))
☐ publication of the international application (under Rule 12.4)
☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ the international application as originally filed/furnished

☒ the description:

pages 1 - 11 _____ as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the claims:

pages _____ as originally filed/furnished

pages* _____ as amended (together with any statement) under Article 19

pages* 12 - 14 received by this Authority on 29-04-2004

pages* _____ received by this Authority on _____

☒ the drawings:

pages 1 _____ as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to the sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/SE 2003/000587

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1-13</u>	YES
	Claims	<u>---</u>	NO
Inventive step (IS)	Claims	<u>1-13</u>	YES
	Claims	<u>---</u>	NO
Industrial applicability (IA)	Claims	<u>1-13</u>	YES
	Claims	<u>---</u>	NO

2. Citations and explanations (Rule 70.7)

Documents cited in the International Search Report:

D1. US 5892754 A

D2. Terraplay: "Introduction to the Terraplay system", version 2.0, 12th of June 2001.

The commonly used methods for flow control can not be optimized for specific applications. The invention according to the present application aims to solve this problem.

D1, which is considered to represent the most relevant state of the art, discloses a system for adaptive flow control (see abstract). The flow control is adapted to the current state of the network. Further, the flow control is optimized for the applications in the network. The network software in the system (which corresponds to the generic algorithm in the application) monitors a number of parameters in the network. The values of these parameters are reported to the applications (that correspond to the applications specific control means in the present application) (see column 2, line 48-52). The applications adapt their function (for example the type of coding) based on the values of these parameters.

The applications in D1 notify the network software about desired values on certain parameters (see column 3, line 34-38). These parameters are used for defining a desired quality of service (see column 3, line 5-7). The latency is one of the parameters that are used for controlling the quality of service (see column 5, line 22-28).

D2 is a background art document.

.../...

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX V

The invention differs from D1 in that the generic control means is implemented in the receiver terminal. In D1 the network software, which correspond to the generic control means, is implemented in the network. It is not considered obvious to the skilled person to modify the system in D1 so that it includes a generic control means in the receiver terminal. Furthermore, in the cited documents there are no suggestions leading a person skilled in the art to include this feature in the system described in D1. Consequently, the invention according to claims 1-13 is novel and involves an inventive step. The invention is considered to be industrially applicable.